

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.622(i),  
Final DTV Table of Allotments,  
Television Broadcast Stations.  
(Bismarck, North Dakota)

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MB Docket No. 08-134  
RM-11466

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: June 2, 2009**

**Released: June 3, 2009**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by KBMY-KBCY, LLC ("KBMY"), the licensee of station KBMY(TV), analog channel 17 and KBMY-DT, DTV channel 16, Bismarck, North Dakota. KBMY has requested the substitution of channel 17, its current analog channel, for its assigned DTV channel 16 at Bismarck, North Dakota. KBMY filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 17 for DTV channel 16. The channel change will permit the station to provide service to additional persons that do not presently receive service from the station.

3. DTV channel 17 can be substituted for DTV channel 16 at Bismarck, North Dakota, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 46-35-11 N. and 100-48-20 W. Since the proposed facility is located within the Canadian coordination zone, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:<sup>2</sup>

City and State	DTV Channel	DTV Power	Antenna HAAT	DTV Service Pop.
		(kW)	(meters)	(thous.)
Bismarck, North Dakota	17	75	285	106

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures Act.<sup>3</sup> An expedited effective date is necessary in this case to ensure that station KBMY-DT can provide improved service to the market as quickly as possible.

<sup>1</sup> *Bismarck, North Dakota*, 23 FCC Rcd 10582 (Vid. Div. 2008).

<sup>2</sup> 47 C.F.R. §§ 73.616 and 73.623.

<sup>3</sup> 5 U.S.C. § 553(d)(3).

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Bismarck, North Dakota	12, 17, *22, 26, 31

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, KBMY-KBCY, LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 17 in lieu of DTV channel 16.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the proceeding listed above, contact David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau